

REMARKS

Status

This reply is in response to the Office Action mailed December 14, 2009 and the Advisory Action mailed February 18, 2010, in which the following rejections were set forth:

Claims 1-3, 5-9, 11 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6589,348 “*Ott*” in view of U.S. Pat. Pub. No. 20050173018 “*Herre*” and further in view of U.S. Pat. No. 5,289,947 “*Akeel*;”

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott* in view of *Herre* and *Akeel* as rejected under Claim 1, and further in view of U.S. Patent No. 5,855,062 “*Kendall*;”

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott* in view of *Herre* and *Akeel* as rejected under Claim 1, and further in view of U.S. Patent No. 4,962,724, “*Prus*;” and,

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott* in view of *Herre* and *Akeel* as rejected under Claim 1, and further in view of U.S. Patent No. 2,784,350, “*Sedlacsik*.¹”

By this response, no claims have been amended, added or canceled. As such, Claims 1-13 are pending in this application.

Claim Rejections

In the Advisory Action, Applicant’s recent arguments were deemed not persuasive. Applicant again traverses the rejections and requests reconsideration of the rejections in light of the following.

Specifically, Applicant is submitting herewith a certified translation of the foreign priority document for the present application. Accordingly, Applicant submits that *Herre et al.* is not prior art (as explained in detail in Applicant’s previous office action response). Accordingly, since *Herre et al.* is not prior art, the rejections of all of the claims must fail since the remaining pieces of prior art do not disclose the material from *Herre et al.* relied upon in the rejections.

Therefore, in view of the above, Applicant submits that independent claims 1 and 13 should be deemed patentable over the cited prior art. In addition, it is submitted that dependent claims 2-12 and 14-16 should be deemed patentable as they depend from independent claims that are patentable.

CONCLUSION

In view of the above, it is submitted that the present application is in condition for issuance and a notice of allowance is respectfully solicited.

If any additional fees are required with this correspondence, the Commissioner is authorized to debit our Deposit Account 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Dated: June 14, 2010

Respectfully Submitted,

/Patrick J. Smith/
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